

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEPHEN P. MILES, Plaintiff,)
v.) C.A. No. 12-316 Erie
MICHAEL J. ASTRUE, Defendant.)

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on December 20, 2012, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on November 26, 2013, recommended that Plaintiff's Motion for Summary Judgment (ECF No. 7) be denied, Defendant's Motion for Summary Judgment (ECF No. 9) be granted, and the decision of the ALJ be affirmed.

The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff and Defendant by NEF. Objections were filed by the Plaintiff on 12/13/2013; a Response to the Objections was filed 12/23/2013. After *de novo* review of the pleadings and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 8 day of January, 2014;

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment (ECF No. 7) is DENIED, Defendant's Motion for Summary Judgment (ECF No. 9) is GRANTED, and the decision of the ALJ is affirmed.

The report and recommendation of Magistrate Judge Baxter, dated November 26, 2013, is adopted as the opinion of the Court.



DONETTA W. AMBROSE
United States Senior District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge
all parties of record